

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 467

By Senator Chapman

[Introduced January 16, 2026; referred
to the Committee on Transportation and
Infrastructure]

1 A BILL to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating
2 to penalties for parking in Purple Heart parking spaces without the designation on the
3 license plate or a placard.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. STOPPING, STANDING AND PARKING.

§17C-13-6. Stopping, standing, or parking privileges for persons with a mobility impairment; disabled veterans; Purple Heart designations; definitions; qualification; special registration plates and removable windshield placards; expiration, application; violation; penalties.

1 (a)(1) The commissioner may issue up to two special registration plates or removable
2 windshield placards to a person with a mobility impairment or a West Virginia organization which
3 transports persons with disabilities or veterans who have earned a Purple Heart and facilitates the
4 mobility of its customers, patients, students, or persons otherwise placed under its responsibility.

5 (2) Special registration plates or placards may only be issued for placement on a Class A
6 or Class G motor vehicle registered under the provisions of §17A-3-1 *et seq.* of this code.

7 (3) The applicant shall specify whether he or she is applying for a special registration plate,
8 a removable windshield placard, or both on the application form prescribed and furnished by the
9 commissioner.

10 (4) The applicant shall submit, with the application, a certificate issued by any physician,
11 chiropractor, advanced nurse practitioner, or physician's assistant who is licensed in this state,
12 stating that the applicant has a mobility impairment, or that the applicant is an organization which
13 regularly transports a person with a mobility impairment as defined in this section. The physician,
14 chiropractor, advanced nurse practitioner, or physician's assistant shall specify in the certificate
15 whether the disability is temporary or permanent. A disability which is temporary is one expected
16 to last for a limited duration and improve during the applicant's life. A disability which is permanent
17 is one which is expected to last during the duration of the applicant's life. If applying for a placard

18 for the Purple Heart designation, the same requirements are necessary for the license plate
19 designating that the Purple Heart has been awarded to that person.

20 (5) Upon receipt of the completed application, the physician's certificate, and the regular
21 registration fee for the applicant's vehicle class, if the commissioner finds that the applicant
22 qualifies for the special registration plate or a removable windshield placard as provided in this
23 section, he or she shall issue to the applicant a special registration plate (upon remittance of the
24 regular registration fee) or a removable windshield placard (red for temporary and blue for
25 permanent), or both. Upon request, the commissioner shall also issue to any otherwise qualified
26 applicant one additional placard having the same expiration date as the applicant's original
27 placard. The placard shall be displayed by hanging it from the interior rearview mirror of the motor
28 vehicle so that it is conspicuously visible from outside the vehicle when parked in a designated
29 accessible parking space. The placard may be removed from the rearview mirror whenever the
30 vehicle is being operated to ensure clear vision and safe driving. Only in the event that there is no
31 suitable rearview mirror in the vehicle may the placard be displayed on the dashboard of the
32 vehicle.

33 (6) Organizations which transport people with disabilities will be provided with a placard
34 which will permit them to park in a designated area for the length of time necessary to load and
35 unload passengers. These vehicles must be moved to a nondesignated space once the loading or
36 unloading process is complete.

37 (b) As used in this section, the following terms have the meanings ascribed to them in this
38 subsection:

39 (1) A person or applicant with a "mobility impairment" means a person who is a citizen of
40 West Virginia and as determined by a physician, allopath or osteopath, chiropractor, advanced
41 nurse practitioner, or physician's assistant licensed to practice in West Virginia:

42 (A) Cannot walk 200 feet without stopping to rest;

43 (B) Cannot walk without the use of or assistance from a brace, cane, crutch, prosthetic

44 device, wheelchair, other assistive device, or another person;

45 (C) Is restricted by lung disease to such an extent that the person's force (respiratory)
46 expiratory volume for one second, when measured by spirometry, is less than one liter or the
47 arterial oxygen tension is less than 60 mm/hg on room air at rest;

48 (D) Uses portable oxygen;

49 (E) Has a cardiac condition to such an extent that the person's functional limitations are
50 classified in severity as Class III or Class IV according to standards established by the American
51 Heart Association; or

52 (F) Is severely limited in his or her ability to walk because of an arthritic, neurological, or
53 other orthopedic condition.

54 (2) "Special registration plate" means a registration plate that displays the international
55 symbol of access, as adopted by the Rehabilitation International Organization in 1969 at its
56 Eleventh World Congress on Rehabilitation of the Disabled, in a color that contrasts with the
57 background, in letters and numbers the same size as those on the plate, and which may be used in
58 lieu of a regular registration plate;

59 (3) "Removable windshield placard" (permanent or temporary) means a two-sided,
60 hanger-style placard measuring three inches by nine and one-half inches, with all of the following
61 on each side:

62 (A) The international symbol of access, measuring at least three inches in height, centered
63 on the placard, in white on a blue background for permanent designations and in white on a red
64 background for temporary designations;

65 (B) An identification number measuring one inch in height;

66 (C) An expiration date in numbers measuring one inch in height for a temporary placard;
67 and

68 (D) The seal or other identifying symbol of the issuing authority.

69 (4) "Regular registration fee" means the standard registration fee for a vehicle of the same

70 class as the applicant's vehicle;

71 (5) "Public entity" means state or local government or any department, agency, special
72 purpose district, or other instrumentality of a state or local government;

73 (6) "Public facility" means all or any part of any buildings, structures, sites, complexes,
74 roads, parking lots, or other real or personal property, including the site where the facility is
75 located;

76 (7) "Place or places of public accommodation" means a facility or facilities operated by a
77 private entity whose operations affect commerce and fall within at least one of the following
78 categories:

79 (A) Inns, hotels, motels, and other places of lodging;

80 (B) Restaurants, bars, or other establishments serving food or drink;

81 (C) Motion picture houses, theaters, concert halls, stadiums, or other places of exhibition
82 or entertainment;

83 (D) Auditoriums, convention centers, lecture halls, or other places of public gatherings;

84 (E) Bakeries, grocery stores, clothing stores, hardware stores, shopping centers, or other
85 sales or rental establishments;

86 (F) Laundromats, dry cleaners, banks, barber and beauty shops, travel agencies, shoe
87 repair shops, funeral parlors, gas or service stations, offices of accountants and attorneys,
88 pharmacies, insurance offices, offices of professional health care providers, hospitals, or other
89 service establishments;

90 (G) Terminals, depots, or other stations used for public transportation;

91 (H) Museums, libraries, galleries, or other places of public display or collection;

92 (I) Parks, zoos, amusement parks, or other places of recreation;

93 (J) Public or private nursery, elementary, secondary, undergraduate, or post-graduate
94 schools or other places of learning and day care centers, senior citizen centers, homeless
95 shelters, food banks, adoption agencies, or other social services establishments; and

(K) Gymnasiums, health spas, bowling alleys, golf courses, or other places of exercise or recreation.

(8) "Commercial facility" means a facility whose operations affect commerce and which are intended for nonresidential use by a private entity;

(9) "Accessible parking" formerly known as "handicapped parking" is the present phrase consistent with language within the Americans with Disabilities Act (ADA);

(10) "Parking enforcement personnel" includes any law-enforcement officer as defined by §30-29-1 of this code, and private security guards, parking personnel, and other personnel authorized by a city, county, or the state to issue parking citations.

Any person who falsely or fraudulently obtains or seeks to obtain the special plate or the removable windshield placard provided for in this section, and any person who falsely certifies that a person is mobility impaired in order that an applicant may be issued the special registration plate or windshield placard under this section is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500. Any person who fabricates, uses, or sells unofficially issued windshield placards to any person or organization is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500 per placard fabricated, used, or sold. Any person who fabricates, uses, or sells unofficially issued identification cards to any person or organization is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$700 per identification card fabricated, used, or sold. Any person who fabricates, uses, or sells unofficially issued labels imprinted with a future expiration date to any person or organization is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$700. Any person covered by this section who sells or gives away their officially issued windshield placard to any person or organization not qualified to apply for or receive the placard and then reapplies for a new

122 placard on the basis it was stolen is committing a fraudulent act and is guilty of a misdemeanor
123 and, upon conviction thereof, in addition to any other penalty he or she, or they may otherwise
124 incur, shall lose their right to receive or use a special placard or special license plate for a period of
125 not less than five years.

126 (c) The commissioner shall set the expiration date for special registration plates on the last
127 day of a given month and year, to be valid for a minimum of one year but not more than five years,
128 after which time a new application must be submitted to the commissioner. After the commissioner
129 receives the new application, signed by a certified physician, chiropractor, advanced nurse
130 practitioner, or physician's assistant if required under this subsection, the commissioner shall
131 issue: (i) A new special registration plate or new permanent or temporary removable windshield
132 placard; or (ii) official labels imprinted with the new expiration date and designed so as to be
133 placed over the old dates on the original registration plate or windshield placard: *Provided*, That a
134 new application under this subsection must not be accompanied by a certificate pursuant to §17C-
135 13-6(a)(4) of this code if a prior application is on file with the commissioner, such application
136 includes a certificate issued pursuant to §17C-13-6(a)(4) of this code, such certificate specifies
137 that the applicant's disability is permanent for life, and such certificate was made within 10 years of
138 the new application.

139 (d) The commissioner shall set the expiration date of temporary removable windshield
140 placards to be valid for a period of approximately six months after the application was received and
141 approved by the commissioner. Permanent removable windshield placards are valid for the
142 duration of the applicant's life.

143 (e) The commissioner shall issue to each applicant who is granted a special registration
144 plate or windshield placard an identification card bearing the applicant's name, assigned
145 identification number, and expiration date. The applicant shall thereafter carry this identification
146 card on his or her person whenever parking in an accessible parking space. The identification card
147 shall be identical in design for both registration plates and removable windshield placards.

(f) An accessible parking space should comply with the provisions of the Americans with Disabilities Act accessibility guidelines, contained in 28 C.F.R. 36, Appendix A, Section 4.6. In particular, the parking space should be a minimum of eight feet wide with an adjacent eight-foot access aisle for vans having side mounted hydraulic lifts or ramps, or a five-foot access aisle for standard vehicles. Access aisles should be marked using diagonal two- to four-inch-wide stripes spaced every 12 or 24 inches apart along with the words "no parking" in painted letters which are at least 12 inches in height. All accessible parking spaces must have a signpost in front or adjacent to the accessible parking space displaying the international symbol of access sign mounted at a minimum of eight feet above the pavement or sidewalk and the top of the sign. Lines or markings on the pavement or curbs for parking spaces and access aisles may be in any color, although blue is the generally accepted color for accessible parking.

(g) A vehicle displaying a disabled veterans special registration plate issued pursuant to §17A-3-14(c)(6) of this code shall be recognized and accepted as meeting the requirements of this section.

(h) A vehicle from any other state, United States territory, or foreign country displaying an officially issued special registration plate, placard, or decal bearing the international symbol of access shall be recognized and accepted as meeting the requirements of this section, regardless of where the plate, placard, or decal is mounted or displayed on the vehicle.

(i) Stopping, standing, or parking places marked with the international symbol of access shall be designated in close proximity to all public entities, including state, county, and municipal buildings and facilities, places of public accommodation, and commercial facilities. These parking places shall be reserved solely for persons with a mobility impairment and disabled veterans at all times.

(j) Any person whose vehicle properly displays a valid, unexpired special registration plate or removable windshield placard may park the vehicle for unlimited periods of time in parking zones unrestricted as to length of parking time permitted: *Provided*, That this privilege does not

mean that the vehicle may park in any zone where stopping, standing, or parking is prohibited or which creates parking zones for special types of vehicles or which prohibits parking during heavy traffic periods during specified rush hours or where parking would clearly present a traffic hazard. To the extent any provision of any ordinance of any political subdivision of this state is contrary to the provisions of this section, the provisions of this section take precedence and apply.

The parking privileges provided for in this subsection apply only during those times when the vehicle is being used for the loading or unloading of a person with a mobility impairment. Any person who knowingly exercises, or attempts to exercise, these privileges at a time when the vehicle is not being used for the loading or unloading of a person with a mobility impairment is guilty of a misdemeanor and, upon first conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$200; upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$300; and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500.

(k) Any person whose vehicle does not display a valid, special registration plate or removable windshield placard may not stop, stand, or park a motor vehicle in an area designated, zoned, or marked for accessible parking with signs or instructions displaying the international symbol of access or any words or symbols that indicate that the person has been awarded a Purple Heart, either by itself or with explanatory text. The signs may be mounted on a post or a wall in front of the accessible parking space and instructions may appear on the ground or pavement, but use of both methods is preferred. Accessible parking spaces for vans having an eight-foot adjacent access aisle should be designated as "van accessible" but may be used by any vehicle displaying a valid special registration plate or removable windshield placard.

Any person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$200; upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$300; and upon third and subsequent

convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500.

(l) All signs that designate areas as "accessible parking" or that display the international symbol of access or indicate that the space is for use by those who have been awarded a Purple Heart shall also include the words "up to \$500 fine".

(m) No person may stop, stand, or park a motor vehicle in an area designated or marked off as an access aisle adjacent to a van-accessible parking space or regular accessible parking space. Any person, including a driver of a vehicle displaying a valid removable windshield placard or special registration plate, who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$200; upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$300; and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500.

(n) Parking enforcement personnel who otherwise enforce parking violations may issue citations for violations of this section and shall reference the number on the vehicle's license plate, since the driver normally will not be present.

(o) Law-enforcement agencies may establish a program to use trained volunteers to collect information necessary to issue citations to persons who illegally park in designated accessible parking spaces. Any law-enforcement agency choosing to establish a program shall provide for workers' compensation and liability coverage. The volunteers shall photograph the illegally parked vehicle and complete a form, to be developed by supervising law-enforcement agencies, that includes the vehicle's license plate number, date, time, and location of the illegally parked vehicle. The photographs must show the vehicle in the accessible space and a readable view of the license plate. Within the discretion of the supervising law-enforcement agency, the volunteers may issue citations or the volunteers may submit the photographs of the illegally parked vehicle and the form to the supervising law-enforcement agency, who may issue a citation,

which includes the photographs and the form, to the owner of the illegally parked vehicle. Volunteers shall be trained on the requirements for citations for vehicles parked in marked, zoned, or designated accessible parking areas by the supervising law-enforcement agency.

(p) Local authorities who adopt the basic enforcement provisions of this section and issue their own local ordinances shall retain all fines and associated late fees. These revenues shall be used first to fund the provisions of subsection (o) of this section, if adopted by local authorities, or otherwise shall go into the local authorities' General Revenue Fund. Otherwise, any moneys collected as fines shall be collected for and remitted to the state.

(q) The commissioner shall prepare and issue a document to applicants describing the privileges accorded a vehicle having a special registration plate and removable windshield placard as well as the penalties when the vehicle is being inappropriately used as described in this section and shall include the document along with the issued special registration plate or windshield placard. In addition, the commissioner shall issue a separate document informing the general public regarding the new provisions and increased fines being imposed either by way of newspaper announcements or other appropriate means across the state.

(r) The commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code.

(s)(1) A public entity may not require a person to pay for parking a vehicle in an accessible parking space with a parking meter if the following requirements are met:

(A) The vehicle displays a special registration plate or placard that entitles the person to park in an accessible parking space pursuant to this section;

(B) The driver has a mobility impairment and is unable to walk;

(C) The parking meter is not accessible to the driver while sitting in a wheelchair or without traveling more than 30 feet from the parked vehicle; and

(D) The parked vehicle displays an unexpired parking certification that is plainly visible with pertinent information through its windshield. For purposes of this subsection, "parking certification"

means a letter completed by a licensed medical provider on the provider's letterhead that is titled "Parking Certification pursuant to W.Va. Code §17C-13-6(s)" and that certifies that the person is physically able to drive but unable to walk, which means for purposes of this subsection that the person cannot ambulate without the aid of a wheelchair. Such letter shall specify whether the inability to walk is permanent or temporary. If the inability to walk is temporary, the letter shall include the date on which such temporary disability is anticipated to end, and the letter may not be displayed in a windshield after such date.

(2) By displaying a parking certification in the windshield of a vehicle that is parked in an accessible parking space with an expired parking meter, the person is swearing under penalty of false swearing that he or she is unable to access the parking meter without unreasonable effort.

(3) Parking enforcement personnel may not cite a vehicle that is parked in an accessible parking space of a public entity for parking at an expired meter if the requirements of this subsection are met: *Provided*, That if a parking citation is issued, it shall be prima facie evidence that the person was entitled to park in the accessible parking space with an expired meter if the person produces his or her parking certification.

NOTE: The purpose of this bill is to grant authority for enforcement of the Purple Heart parking spaces so that only those who have earned this medal may use those spaces, and establish penalties for those who park in these spaces without having earned the designation.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.